

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
COLUMBIA DIVISION

Leigh Leventis and Christopher	)	C/A No.: 3:09-1561-JFA
Leventis,	)	
	)	
Plaintiffs,	)	
	)	
vs.	)	
	)	
First National Insurance Company	)	
of America,	)	
	)	
Defendant,	)	<b>ORDER</b>
	)	
	)	
First National Insurance Company	)	
of America,	)	
	)	
Counterclaim Plaintiff,	)	
	)	
vs.	)	
	)	
Christopher Leventis; Carolina Care	)	
Plan, Inc.; Medical Mutual of Ohio;	)	
Pitts Radiology Associates, P.A.;	)	
Richland County EMS; and Palmetto	)	
Health Emergency Physicians,	)	
	)	
Counterclaim Defendants.	)	
	)	
	)	
First National Insurance Company	)	
of America,	)	
	)	
Third-Party Plaintiff,	)	
	)	
vs.	)	
	)	
Leigh J. Leventis and Palmetto Health	)	
Richland,	)	


Third-Party Defendants. )  
)  
)  

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This matter comes before the court on the motion of counterclaim plaintiff First National Insurance Company of America (“First National”) to dismiss its claims against counterclaim defendant Pitts Radiology Associates, P.A. (“Pitts Radiology”) with prejudice pursuant to Rule 41(a)(2) (Doc. 113). Fed. R. Civ. P. 41(a)(2). First National’s motion is made pursuant to a stipulation between Pitts Radiology and First National whereby Pitts Radiology agreed to not contest “the PPO discounts given regarding its treatment of Christopher [Leventis] for injuries related to his September 29, 2008 car accident as alleged in Plaintiff’s Consolidated Complaint (Doc. 60) and First National’s First Amended Counterclaim (Doc. 70).” Pitts Radiology further stipulated that it seeks no further payment from any person or entity for the treatment of Christopher Leventis (Doc. 113-1 at 3). The court hereby grants First National’s motion to dismiss based on the representations of the parties in their stipulation, which is incorporated herein by reference (Doc. 113-1).

IT IS SO ORDERED.

May 21, 2010  
Columbia, South Carolina



Joseph F. Anderson, Jr.  
United States District Judge